

## Message Text

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ACTION EUR-12

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O R 241555Z MAY 77

FM AMEMBASSY NICOSIA  
TO SECSTATE WASHDC IMMEDIATE 5893  
INFO AMEMBASSY ANKARA  
AMEMBASSY ATHENS  
AMEMBASSY LONDON

C O N F I D E N T I A L SECTION 1 OF 2 NICOSIA 1375

E.O. 11652: GDS  
TAGS: PFOR, CY  
SUBJECT: DAVIES TRIAL

SUMMARY: BOTH PROSECUTORS VIEW THE TWO MAY 19 CONVICTIONS AS INDICATION TRIAL IS PROCEEDING WELL. CASE AGAINST KTIMATIAS AND LEFTIS LOOKS MUCH STRONGER FOLLOWING STYLIANOU TESTIMONY AND SAVVA GUILTY PLEA, ALTHOUGH SAVVA WILL NOT TESTIFY AGAINST THEM. PROSECUTORS DISMISS LIGHT SENTENCES AS UNIMPORTANT. EMBASSY CYPRIOT COUNSEL IN GENERAL AGREEMENT WITH PROSECUTORS. ONE PROSECUTOR THREATENED BY DEFENDANT CHARALAMBOUS AND ADMITS HE IS APPREHENSIVE. A CYPOL SERGEANT WHO ASSISTED IN INTERROGATION OF ALL DEFENDANTS WAS THREATENED BY SAVVA. HE IS QUITE CONCERNED. PROSECUTORS AND PHERSON AGREE CYPOL CHIEF INSPECTOR PETRIDES HAS BEEN WEAK POINT IN CYPOL INVESTIGATION AND IN HIS TESTIMONY, PETRIDES POINTS TO HIS RECENT PROMOTION AS INDICATION HIS EFFORTS HAVE BEEN MOST EFFECTIVE. WE ARE NOT AS OPTIMISTIC, AT THIS STAGE OF TRIAL, AS PROSECUTORS AND EMBASSY CYPRIOT COUNSEL. END SUMMARY.

1. ON MAY 21, THE TWO PROSECUTORS,  
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CHIEF INSPECTOR PETRIDES, AND HIS ASSISTANT, SERGEANT KATSIKIDES, WERE AT THE EMBASSY TO TAKE FURTHER MEASUREMENTS AND NEW THEODOLITE SIGHTINGS. PHERSON ESCORTED THEM AND WAS ABLE TO DISCUSS THE TRIAL SEPARATELY WITH EACH. GIST OF THEIR COMMENTS IS AS FOLLOWS:

A. CHIEF PROSECUTOR EVANGELOU SAID THE TWO CONVICTIONS (SAVVA AND CHARALAMBOUS) WERE A GOOD INDICATOR HIS CASE IS

GOING WELL. STYLIANOU'S CREDIBILITY IS NO LONGER IN ISSUE AS THE RESULT OF SAVVA'S GUILTY PLEA. PROSECUTION IS THEREFORE NOW IN A STRONGER POSITION ON THE HOMICIDE CHARGES AGAINST KTIMATIAS AND LEFTIS. WHEN PRESSED, EVANGELOU ANSWERED THAT SAVVA WOULD NOT AGREE TO TESTIFY AGAINST KTIMATIAS AND LEFTIS. HE WAS PLEASED THAT SAVVA'S GUILTY PLEA AND IMPRISONMENT HAVE REMOVED SAVVA'S COUNSEL, LEFCOS CLERIDES, FROM THE COURTROOM. ALTHOUGH CLERIDES WAS ATTORNEY OF RECORD FOR SAVVA ONLY, THE OTHER FOUR DEFENSE COUNSELS LOOKED TO HIM FOR GUIDANCE. AS THE LEADING CRIMINAL LAWYER IN CYPRUS, AND AS THE FORMER PRESIDENT OF THE NICOSIA BAR ASSOCIATION, CLERIDES' PRESENCE FOR THE DEFENSE WAS OF IMPORTANCE.

B. ASSISTANT PROSECUTOR ANGELIDES OBJECTED TO THE TERM "PLEA-BARGAINING." HE SAID THAT UNDER BRITISH AND CYPRUS LAW THE PROSECUTION IS NOT ALLOWED TO MENTION LENGTH OF SENTENCES TO EITHER A JUDGE OR A DEFENDANT. HE SAID THE THREE-MONTHS SENTENCE FOR CHARALAMBOUS FOR RIOTING AND POSSESSING EXPLOSIVES, AS WELL AS THE EIGHT-MONTHS SENTENCE FOR SAVVA FOR RIOTING WERE SOLELY AT THE DISCRETION OF THE THREE JUDGES, BASED ON THE EVIDENCE SUPPORTING THE GUILTY PLEAS. ANGELIDES ADDED THAT CHARALAMBOUS HAD THREATENED HIM, AS HE WAS LED AWAY AFTER SENTENCING, SHOUTING THAT ANGELIDES HAD PROMISED HIM HE WOULD NOT GO TO JAIL IF HE PLEADED GUILTY. (COMMENT: THIS STATEMENT WOULD SEEM TO CHALLENGE ANGELIDES' EARLIER POSITION THAT PLEA-BARGAINING DOES NOT EXIST IN CYPRUS. THE MATTER WAS NOT PURSUED. END COMMENT.) ANGELIDES SAID  
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HE WAS GENUINELY CONCERNED ABOUT CHARALAMBOUS' THREAT.

CYPOL SERGEANT (CID) TAKIS KATSIKIDES ADVISED HE HAD SERVED AS PETRIDES' ASSISTANT DURING THE INTERROGATION OF ALL THE DEFENDANTS. HE SAID SAVVA HAD THREATENED HIM AS HE WAS LED AWAY TO PRISON. KATSIKIDES SAID HE WAS APPREHENSIVE AND WAS ALSO CONSIDERING ASKING CHPOL ASST. CMDR. DEMETRIOU FOR PERMISSION TO CARRY A POLICE WEAPON AFTER HOURS FOR PERSONAL PROTECTION. (COMMENT: EMBASSY IS AVOIDING ANY INVOLVEMENT IN POLICE WITNESSES' REQUEST TO CARRY WEAPONS FOR THEIR SELF-PROTECTION. END COMMENT.)

D. CHIEF INSPECTOR ANDONIS PETRIDES SAID HE FELT THE TWO GUILTY PLEAS REFLECTED GOOD POLICE PREPARATION OF THE CASES. PHERSON REPLIED THAT JUST A LITTLE MORE EFFORT ON CYPOL'S PART TO FIND AT LEAST ONE WITNESS AGAINST CHARALAMBOUS, AMONG THE MANY CHPRIOTS IN THE PICTURES WE HAD GIVEN CHPOL SHOWING CHARALAMBOUS HOLDING DYNAMITE IN ONE HAND AND A MATCH IN THE OTHER, MIGHT HAVE RESULTED IN A MORE

APPROPRIATE PRISON TERM.

PETRIDES, WITH WHOM PHERSON HAD WORKED CLOSELY ON A NUMBER OF CASES DURING THE 1968-71 PERIOD, BECAME VERY DEFENSIVE. HE SAID THAT PARTLY AS A RESULT OF THE DAVIES INVESTIGATION HE HAD BEEN PROMOTED TO CHIEF INSPECTOR; HIS ASSISTANT, ACTING SERGEANT KATSIKIDES, HAD BEEN PROMOTED TO SERGEANT; AND HIS IMMEDIATE SUPERVISOR, SUPT. (B) VIOLARIS WAS PROMOTED TO SUP. (A) AND NOW RUNS CID. (COMMENT: IN THE OPINION OF THE TWO PROSECUTORS, THE EMBASSY FSL WHO HAS ATTENDED EVERY COURT SESSION, AND PHERSON, PETRIDES HAS NOT BEEN AN EFFECTIVE OR CONVINCING WITNESS. HE HAS CONTINUALLY MENTIONED THE ASSISTANCE GIVEN TO CYPOL BY THE AMERICAN EMBASSY. DURING THE MAY 20 COURT SESSION THE DEFENSE ALMOST SUCCEEDED IN DRAWING HIM INTO A DISCUSSION ON "THE FOREIGN ASPECTS," AN IMPLICATION THAT AMERICAN EMBASSY PERSONNEL HAD HELPED HIM PREPARE THE CASE. THE PRESIDING

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JUDGE SUSTAINED THE PROSECUTION'S OBJECTION TO THAT PARTICULAR LINE OF INQUIRY. END COMMENT.)

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C O N F I D E N T I A L SECTION 2 OF 2 NICOSIA 1375

2. GEORGE POLYVIOU, THE EMBASSY'S CYPRIOT COUNSEL, GAVE US HIS INITIAL ANALYSIS OF THE CASE ON MAY 21.

POLYVIOU SAID THE TWO GUILTY PLEAS WERE MOST IMPORTANT. HE DISMISSED THE MINIMAL LENGTH OF THE SENTENCES AS OF PERIPHERAL IMPORTANCE. HE SAID THE GUILTY PLEA OF SAVVA WOULD HAVE A SERIOUS ADVERSE EFFECT ON THE KTIMATIAS AND LEFTIS DEFENSES. HE CONCLUDED THAT THE MOMENTUM OF THE PROCEEDINGS IS CLEARLY IN THE HANDS OF THE PROSECUTION AT THE PRESENT TIME.

3. PHERSON HAD A FURTHER REVIEW WITH POLYVIOU ON MAY 24. POLYVIOU CONFIRMED HIS OPTIMISM THAT USG INTERESTS ARE BEING WELL SERVED BY THE COURT PROCEEDINGS TO DATE. HE SAID THE CASE IS GOING MUCH BETTER THAN EXPECTED. THE PROSECUTORS ARE HANDLING A DIFFICULT ASSIGNMENT IN AN EFFECTIVE MANNER. HE STRESSED THAT THE CASE AS A WHOLE IS NOT STRONG. THE CASE AGAINST SAVVA, AS AN EXAMPLE, WAS SO SHAKY POLYVIOU WAS SURPRISED SAVVA ENTERED A GUILTY PLEA. HE SAID THE TWO SENTENCES ALREADY GIVEN WERE JUST ABOUT THE MAXIMUM, WHICH COULD BE SUPPORTED BY THE LIMITED ADMISSIBLE EVIDENCE.

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4. POLYVIOU MADE THESE FURTHER POINTS:

A. THE PROSECUTION REALIZED THAT THE PAUCITY OF EVIDENCE AGAINST SAVVA WOULD EVENTUALLY HINDER THE CONSPIRACY CHARGES AGAINST THE THREE MAJOR DEFENDANTS. DROPPING THE HOMICIDE CHARGE AGAINST SAVVA, STRENGTHENED STYLIANOU'S CREDIBILITY AND ALLOWS THE PROSECUTION TO CONCENTRATE ON THEIR CASE AGAINST KTIMATIAS AND LEFTIS WITH MUCH BETTER CHANCES OF OBTAINING CONVICTIONS.

B. HE IS AWARE OF THE REPORTS THAT WITNESSES HAVE BEEN THREATENED AND COURTROOM SECURITY HAS BEEN LAX. YET, ON BALANCE, THERE HAVE BEEN NO GLARING EXAMPLES OF WITNESSES "WATERING THEIR TESTIMONY" (POLYVIOU'S TERM) WHEN ON THE SITNESS STAND. HE REGARDS THIS AS A HEALTHY SIGN.

5. EMBASSY'S ASSESSMENT OF THE TRIAL PROCEEDINGS TO DATE TAKING INTO CONSIDERATION POLYVIOU'S MOST RECENT COMMENTS, IS THAT THEY JUSTIFY A VERY RESTRAINED OPTIMISM. WE ARE NOT AS CONFIDENT AS POLYVIOU AND THE PROSECUTION. WE REMAIN CONCERNED AT POSSIBILITY THAT A GUILTY VERDICT AGAINST KTIMATIAS AND LEFTIS MIGHT BE PRESSED ON THE LESSER CHARGES OF ILLEGAL USAGE OF FIREARMS AND FOR RIOTING AS AN ACCEPTABLE OUTCOME TO A RELATIVELY WEAK CASE.

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## Message Attributes

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